

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2000-0027-T - ORDER NO. 2000-0413

MAY 5, 2000

IN RE: Application of Larry White DBA Pak Mail,)
1475 Pearman Dairy Road, Suite C,)
Anderson, SC 29625, for a Class E Certificate)
of Public Convenience and Necessity.)

ORDER GRANTING
CLASS E CERTIFICATE

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Larry White DBA Pak Mail (White or the Applicant), 1475 Pearman Dairy Road, Suite C, Anderson, SC 29625 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

HOUSEHOLD GOODS, AS DEFINED IN R. 103-210(1):

Between points and places in Anderson and Oconee Counties.

The Commission's Executive Director instructed White to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. A Petition to Intervene was received from Lytle's Transfer & Storage, Inc. This Petition was subsequently withdrawn when the Applicant agreed to reduce its requested scope of authority in this case by eliminating Greenville County.

Accordingly, a hearing was held on April 27, 2000 at 2:30 PM in the offices of the Commission. The Honorable Philip T. Bradley, Chairman, presided. Larry White

appeared pro se, and presented testimony in this matter. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented no witnesses.

White testified that the real goal of his company had been to “ship anything anywhere,” but that various people had been calling him to perform local moves, which he had to refuse to do. White testified that he got several calls every week requesting this service. White noted that he owned a 17 foot 1989 truck, which he termed as being perfect for local moves, and which was fully insured. White further testified that there was only one mover in Anderson at the present time. White stated that there were no judgments against his business.

S.C. Code Ann. Section 58-23-590(C)(Supp.1999) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission’s regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity. Commission Order Nos. 1999-654 and 2000-024 waive the “shipper witness” rule of Regulation 103-133 for showing the public convenience and necessity requirement, when an applicant desires authority in three contiguous counties or less.

Upon consideration of this matter, we find that the Applicant, Larry White DBA Pak Mail, has demonstrated that he is fit, willing, and able under the criteria contained in Regulation 103-133. The applicant possesses the equipment, insurance coverage and other requisites to perform the desired services. Further, we find that no shipper witness

is necessary in this case to show the public convenience and necessity portion of the requirements. The testimony of Mr. White indicates that the proposed service is required by the present public convenience and necessity. Mr. White testified to the fact that he received numerous phone calls requesting local moves, but could not accommodate the people because of his lack of authority.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the Application and therefore grant Larry White DBA Pak Mail the authority requested by him. This grant of authority is contingent upon compliance with all Commission regulations as outlined below:

IT IS THEREFORE ORDRED THAT:

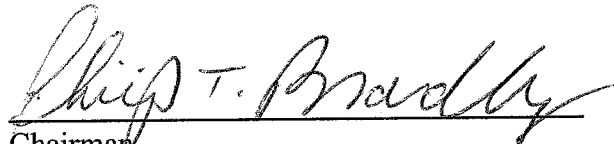
1. The Application of Larry White DBA Pak Mail for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Anderson and Oconee Counties.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier service granted herein.

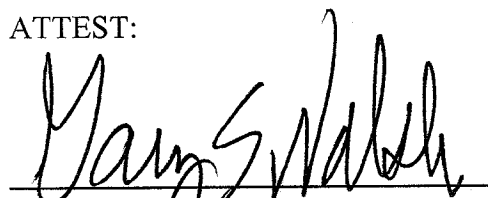
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)